

REMARKS

Claims 18-22 and 24-28 were pending. New claim 30 is added herein. Thus, claims 18-22, 24-28 and 30 are now pending. The applicant respectfully requests reconsideration and allowance of this application in view of the above amendments and the following remarks.

The applicant notes with appreciation the indication of allowance of claim 27.

Claims 18, 19, 22, 24, 25 and 28 stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Morohashi, et al., *Self-aligned Contact Process for Nb/AlOx/Nb Josephson Junctions*, APPL. PHYS. LETT. 48(3), 20 January 1986, pp. 254-265 (hereinafter "Morohashi") in view of Lee et al., *RHEA process for fine-geometry Josephson junction fabrication*, IEEE TRANSACTIONS ON MAGNETICS, 27(2), March 1991, pp. 3133-3136 (hereinafter "Lee"). The applicant respectfully requests that this rejection be withdrawn for the following reasons.

Claims 18 and 28 are amended herein to include the features indicated allowable in the Examiner's Statement of Reasons for Allowance presented in the parent application Serial No. 10/364,981. In the parent application, the Examiner applied Morohashi and Lee in a rejection under 35 U.S.C. 103(a) in the final Office Action of June 14, 2005. The Examiner stated, *inter alia*, in the subsequent Notice of Allowability mailed December 14, 2005 responsive to applicant's amendments submitted with the Request for Continued Examination of September 20, 2005, that the prior art, such as Morohashi, fails to teach or suggest anodizing a lateral surface portion of a tunnel barrier layer. Accordingly, claims 18 and 28, as amended, are allowable for at least the reasons set forth in the Examiner's Statement of Reasons for Allowance in the parent case, e.g. the prior art, such as Morohashi and Lee, fails to teach or suggest the claimed anodization ring including, *inter alia*, an anodized portion of the lateral surface portion of the tunnel barrier layer. Since the Examiner admitted in the Statement of Reasons for Allowance

that Morohashi teaches only anodization of a vertical surface or edge portion of a tunnel barrier layer, the applicant believes that the above amendments are sufficient to overcome Morohashi and thus the applied art combination.

Accordingly, since the applied art combination fails to teach or suggest all the claimed features, it is respectfully requested that the rejection of claims 18 and 28 be reconsidered and withdrawn. Claims 19, 22, 24 and 25, by virtue of depending from claim 18, are allowable for at least the reasons set forth hereinabove with regard to claim 18. It is therefore respectfully requested that the rejection of claims 19, 22, 24 and 25 be reconsidered and withdrawn.

Claims 20 and 21 stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Morohashi and Lee as applied above and further in view of Kerber et al., U.S. Patent No. 6,188,084. The applicant respectfully requests that this rejection be withdrawn for the following reasons.

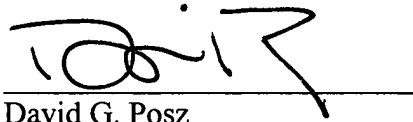
Claims 20 and 21, by virtue of depending from claim 18, are allowable for at least the reasons set forth hereinabove with regard to claim 18. It is therefore respectfully requested that the rejection of claims 20 and 21 be reconsidered and withdrawn

The indication of allowability with regard to claim 26 is noted with appreciation. Claim 26, rewritten in independent form to include the features of original claim 18, has been submitted as new claim 30, which is accordingly allowable. Favorable consideration is requested.

In view of the foregoing, the applicant respectfully submits that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Posz', written over a horizontal line.

David G. Posz
Reg. No. 37,701

Posz Law Group, PLC
12040 South Lakes Drive, Suite 101
Reston, VA 20191
Phone 703-707-9110
Fax 703-707-9112
Customer No. 23400